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PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER	
MOE, AUNG SOE	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/313,535
Filing Date: May 13, 1999
Appellant(s): PARULSKI ET AL.

Pamela R. Crocker
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on July 01, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-15, 26-28, 30-31 and 35-36 do stand or fall together for Issue (I), and claims 1-7, 9, 10, 12-13, 14, 28-31, and 35-58 do stand or fall together for Issue (II) and claims 8, 11, 14, 26 and 27 do stand or fall together for Issue (III) as provided for the reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

JP 05-344460	YAMADA	12-1993
5,477,264	SARBADHIKARI et al	12-1995
5,515,101	YOSHIDA	5-1996

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-7, 9-10, 12-13, 15, 28-31, 33 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (Translation of JP No. Hei 5-344460) in view of Sarbadhikari et al. (U.S. 5,477,264).

Claims 8, 11, 14 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (Translation of JP No. Hei 5-344460) in view of Sarbadhikari et al. (U.S. 5,477,264), and further in view of Yoshida (U.S. 5,515,101).

This rejection is set forth in a prior Office Action, mailed on March 24, 2004.

(11) Response to Argument

Issue (1)

Appellant's arguments, see page 3 of the brief, filed on 7/01/2004, with respect to 35 U.S.C. 112, first paragraph, have been fully considered and are persuasive. The rejection of 35 U.S.C. 112, first paragraph, has been withdrawn.

Issue (2)

Regarding independent claims 1, 29 and 30, the Appellant alleges (page 4 of the brief) that "the classification codes and corresponding images in Yamada et al. are therefore not stored using a tag name file configuration in the manner set fort in claims 1, 29 and 30".

In response, the Examiner respectfully disagrees because Yamada et al. do in fact discloses the use of "a tag name file" to store the "image files" therein. For example, the separate classification files (i.e., "flower", "temple" and "restaurant") as shown in Fig. 13 of Yamada et al. read on the "a separate tag name file" as claimed. As recited in the page 5, lines 10+, of the Appellant's specification, the "tag name file" is nothing more than the basic unit of storage (24b) that enable a computer of the digital camera to distinguish one set of information from another by providing classification of the images by subject matter. In this case, the "separate classification files" stored in the memory element (14) also provide the same function as "tag name file" as claimed because "large classification files" enable a computer (6) of the camera to distinguish one set of information (i.e., "flower") from another ("temple" and "restaurant") by providing classification of the image files (i.e., noted the image files corresponding to "small classification" as shown in Fig. 13).

In view of the above, the computer (6) of the camera system of Yamada et al. is capable of generating "a separate tag name file" (i.e., Classification files of "flower" , "temple" and "restaurant" as shown in Fig. 13) for each selected tag name (i.e., noted the "classification files" as shown in Fig. 13 where the user can select the specific "tag name" such as "KYOTO" or "NARA").

Furthermore, Yamada et al. discloses that the recording medium (14) is used to store each of the image file (i.e., noted the each of the image file stored in the track numbers 1-11 of "small classification" as shown Fig. 13) into the "tag name file" (i.e., Classification files of "flower" , "temple" and "restaurant" as shown in Fig. 13) corresponding to the "selected tag name" (i.e., noted the "classification files" such as "KYOTO" or "NARA" as shown in Fig. 13 is considered as "selected tag name"). In view of this, it is clear from Fig. 13 of the camera system of Yamada et al that the memory (14) is capable of storing "two or more tag name files" (i.e., "flower" , "temple" and "restaurant" as shown in Fig. 13) with each "tag name file" (i.e., "flower") storing two or more image files (i.e., noted the image files stored in track 1-2 corresponding to a specific "tag name files" such as "flower").

Moreover, the Appellant further addressed the physical structure of the floppy disk 14 for storing the classification codes and the image data, and further alleged that the images stored in portion 14b of floppy disk 14 are **not combined** with their corresponding classification codes into a tag name file having multiple images associated therewith, in accordance with the limitations of claims 1, 29 and 30" (i.e., see page 5 of the remarks).

In response, it is noted that the recording of the classification codes and the image data in the system of Yamada et al. is not limited to a specific recording medium such as the floppy disk (14) of Fig. 2. In fact, Yamada et al. discloses that different recording mediums, such as a hard disk or a semiconductor memory (i.e., see paragraph 0021) or process (i.e., noted the different recording process as shown in Fig. 11), thus, the recording technique may vary based on the use of different recording medium. However, this does not mean that the image files are not stored into the "tag name file" (i.e., classification code files). For example, it is clear from Fig. 11 of

Yamada et al. that each track (N) contain not only the image files recording area but also an ID area and User's area for recording the "classification codes" therein (i.e., see paragraphs 0003, 0015 and 0018), so that only the pictures (i.e., the image files) related to the specific classification code (i.e., "tag name file") is recorded/reproduced upon request. This is further evidenced by the example of hierarchically-classified classification files as shown in Fig. 13 of Yamada et al..

In addition, the Appellant argues (in page 5 of the remarks) that "there is **no combination** of multiple image files into a tag name file as claimed".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., noted that none of claims 1, 29 or 30 required "**combination/combined**" of multiple "image files" into "a tag name file") are not recited in the rejected claim(s). In this case, claims 1, 29 and 30 merely recited that "a removable memory for **storing** each of *the image files* **into** the *tag name file* corresponding to the selected *tag name,* wherein the removable memory **stores** two or more *tag name files* with each *tag name file* **storing** two or more *image files*".

As discussed above, Yamada et al. clearly discloses the above-mentioned claimed limitations. In particular, Fig. 13 of Yamada et al. clearly show that the image files (i.e., noted the image files stored on tracks "1-2" are corresponding to "flower" file, and the tracks 3-8 are corresponding to "temple" and "restaurant" files) are stored into the respect a separate tag name files (i.e. noted the "flower", "temple" and "restaurant" files) corresponding to the selected tag name (i.e., KYOTO), so that all the flower image files are only stored into the tag name file of

"flower". As a result, the user the user can easily retrieve the desirable pictures from a specific "tag name files" by selecting "tag name" (i.e. "KYOTO" , "flower").

In page 6 of the remarks, the Appellant further argues that "there is no indication in Yamada et al. that a given image file associated with the large classification code of Fig. 13 is stored into a separate tag name file corresponding to the selected tag name, as would be required by the claims".

In response, the Examiner respectfully disagrees because if the *image files* are not stored into a separate *tag name file* corresponding to the selected *tag name* as alleged by Appellant, then it would be impossible to retrieve or reproduce a specific *image file* by entering a selected *tag name*, and this is the sole intention of the system of Yamada et al.. In this case, Yamada et al. clearly disclosed in the paragraph 0020 that "when KYOTO, "restaurant", and "KAISEKI-foods" are designated as the large classification code, the middle classification code, and the small classification code, respectively, the image recorded on the track 7 is reproduced. In view of this, it is cleared that a given image file (i.e., the image file stored in the track 7 of the removable memory 14) is associated with the classification codes is stored into a separate tag name file (i.e., "restaurant" file) corresponding to the selected tag name (i.e., noted that the key input circuit 28 is used to enter the specific classification code by the user during the recording/reproducing process; see paragraphs 0017+ and 0021+).

In pages 6-7 of the remarks, the Appellant further alleged that Sarbadhikari et al. reference fails to supplement the deficiencies of Yamada et al., because Sarbadhikari et al. reference does not show image files corresponding to the captured images are stored in tag name

files corresponding to the selected tag names, that there are two or more tag name files, and that each tag name file stores two or more image files as required by the present claimed invention.

In response, Appellant cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references.

In this case, Yamada et al. reference, as discussed above, shows the above-mentioned claimed limitations, and Sarbadhikari et al. references is merely used to show the well known teaching of downloading the image files from the camera in response to the initiation request form the external computer system (i.e., Fig. 11, col. 11, lines 22+). In view of this, the Examiner continues to assert that processing of image files of Yamada et al. in a computer system of Sarbadhikari et al. would clearly enable increase sophistication of image processing of the captured images and would increase the degree to which the processed images would be available to other processing, reproducing and/or viewing facilities, thereby clearly enhance the utility of the device, thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Yamada et al. as taught by Sarbadhikari et al. as set forth in previous Office Action.

In view of the above discussion, dependent claims 2-7, 9-10, 12-13, 15, 28, 30, 31, 33 and 35-38 are considered obvious over the combination of Yamada et al. and Sarbadhikari et al. for at least the reasons discussed above with regard to their corresponding independent claims.

Issue (3)

With respect to Issue 3, the Appellant merely ~~re-alleged~~ sets forth the same argument as set forth for Issue (2), thus, the Appellant's attention is directed to the Examiner's comments with respect to claims 1, 29 and 30 as discussed above.

In addition, the Appellant further alleged that Yoshida reference fails to show the tag name file configuration and its associated processing operations.

In response, the Examiner respectfully disagrees because Yoshida reference is cited only to suggest the conventional use of tag names as alphanumeric names as recited in the present claimed invention. In particular, Yoshida clearly teaches that a memory means (7) is capable of storing a plurality of tag name (i.e., Titles: wedding, baby, etc.) providing classification of the images captured by the image sensor (22), and at col. 8, lines 60, Yoshida teaches that titles overlaid on image can be alphanumeric (text strings), thus, the Examiner continues to assert that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Yamada et al. by providing alphanumeric names (i.e., tag names) as taught by Yoshida so that it would increases the quantity of available unique names for categorizing images as set forth in the previous detailed Action.

In view of the above discussion, the Examiner believes that the combined teachings of Yamada et al., Sarbadhikari et al. and Yoshida render obvious the present invention as set forth in dependent claims 8, 11, 14, 26 and 27 for at least the reasons discussed above.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Aung S. Moe
Primary Examiner
Art Unit 2612

A. Moe
January 24, 2005

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Conferees
Andy Faile (SPE)
Wendy Garber (SPE)

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201